

**Claim 1 'Clean Copy'**

Claim 1. An electronic commerce and reservation system for establishing a bi-directional communication link between at least one customer and a large publicly accessible communications network, and for providing online dual-commerce transactions, comprising:

- a.) a browser apparatus having network-browsing software;
  - b.) network connection means for connecting said browser device to at least one networked computer of said communications network;
  - c.) network-user identification and verification means;
  - d.) said at least one networked computer having software user interface means for
    - i. representing at least one online networked-venue which is equipped to serve online customers,
    - ii. representing at least one physical facility which is equipped to serve a flow of customers at a physical location,
    - iii. providing a current databased selection of choices of goods, or services, or activities, or combinations thereof, available from said online networked-venue(s) and available from said physical facility(s),
    - iv. taking, recording, and reporting customer orders from choices provided by said current databased selection,
    - v. completing at least one order from said available online-networked-venue(s) choices,
    - vi. completing at least one order from said available physical facility(s) choices,
    - vii. scheduling and reserving physical facility order(s) according to at least one current condition of a chronological table of scheduled and available customer-events;
    - viii. providing customers at least one type of itinerary;
- whereby said at least one order from said physical facility(s) choices
- is subsequently culminated following the scheduled arrival of the ordering customer at said facility(s) and following the verification of said customer's identification and order, by said identification and verification means,
- and said system is further comprised of
- e.) automated database-condition editing, monitoring and reporting means which, is responsive to changes to said current databased selection when each order is made, and which, causes record-keeping and record-updating software routines to automatically record transaction details pertaining to said order(s) and to update, and report, the availability of subsequent orders, schedules, and reservations, to said current databased selection when any order is completed.

(continued from page 3)

"For example, in Fig. 1C a printed itinerary or downloaded schedule 160 can direct the customer to a single facility 162, or in the case of the example given above, to a multi-venue facility 164." Page 12, lines 24-26

"In either case, the facility's wireless devices or transceivers, or card readers, are employable as an efficient and quick verification means of the expedited-customer's identification, order information, price confirmation, and other expedited service advantages." Pages 14, line 29 through page 15, line 1.

"Thus one's movement from one place to another (a facility, an attraction, a booth, the aisles of a market or store, and so on) can be logically and efficiently sequenced by the apparatus of the present invention. Additionally, navigation with a graphical user interface assisted by a GPS further expedites one's sequenced excursion while optionally providing timing information as to estimated travel-time, walking or waiting time, relative to a particular point of interest, facility, attraction, booth, and the like." Page 16, lines 2-7.

#### Interrelatedness of Secured Retail Environment and Electronic Commerce and Reservation System

FIGS. 2 and 3 of the present invention (and the descriptions pertaining thereto) illustrate an embodiment of the dual-commerce online system wherein a type of networked-venue or network-enabled 'physical facility' is an added structural element of the system. As can be seen in the descriptions of FIGS. 2 and 3, the physical facility(s) in turn are equipped with "...said at least one networked computer having software and user interface means..." which provide Internet access to customers at a location of such a physical facility to the online embodiment of the system.

The example given of a secured retail environment as one, or a plurality of, 'physical facilities,' illustrates a:

"...physical facility which is equipped to serve a flow of customers at a physical location..." (claim 1, d., ii.).

which is also equipped with one or more computers-software-and user interface to at least one

"...online networked-venue which is equipped to serve online customers..." (claim 1. d., i).

For instance a customer could enter a store (or other venue) having the system's computer-software-and user interface, and place an online order which will be delivered to a location specified by the customer.

Thus in one embodiment of the dual-commerce system, the electronic commerce and reservation system is equipped to simultaneously represent online, both the "online networked-venue" and "physical facility," and in another embodiment can optionally also provide physical facilities which provide access "to at least one online networked-venue which is equipped to serve online customers..."

It is noted that none of the office action cited inventions, independently, in combination, or collectively, teach, illustrate or claim this embodiment of the dual-commerce system.

1 The retail environment depicted in FIGS 2 and 3 also serves to clearly illustrate the novel  
2 reservation, guaranteeing and scheduling aspects of the present invention, including its capability  
3 to send a known traffic flow of customers to one or more facilities, wherein such facilities can  
4 also provide one or more scalable 'Expedited Service Areas' which can accommodate up to a  
5 100% capacity flow rate of scheduled customers. The example provided also shows how  
6 customers can interact with a network-enabled retail environment with any in a variety of  
7 transaction facilitating apparatus including handheld devices which also serve as browsing  
8 apparatus and itinerary displaying devices, and optionally have GPS capabilities assisting  
9 customers to navigate from one facility represented in their itinerary to another, and a number of  
10 other proprietary features described in the specification. Some of the features just mentioned, are  
11 described in greater detail in the section regarding the Carter patent immediately below and will  
12 serve to make sense of, and further support the interrelatedness of the system's online and offline  
13 venues.

14  
15 In Reference to 35 U.S.C. 102(e) Pertaining to the Carter Patent US 5,926,798

16  
17 On page 6, item 5 of the office action, the Carter Patent US 5,926,798 (hereinafter  
18 referred to as Carter, or the Carter patent) is cited as anticipating the present invention. However,  
19 the Carter method requires a number of highly specific steps and conditions that are not  
20 necessary in the operation of the present invention. For example, as a prerequisite to the  
21 placement of an automated transaction: the specification, illustrations, steps and independent  
22 claims of the Carter method specify the need for an 'intelligent agent' to conduct a review and  
23 assessment of "business policies" and "cancellation business policy" on one or more operative  
24 servers. Following these highly specific types of review and assessment steps, an intelligent  
25 agent is required to place servers in a prioritized "queue" according to "cancellation policy  
26 severity" so that the 'agent' can place a final automated selection from a server having the "least  
27 severe cancellation policy."

28  
29 See specification descriptions, illustrations and independent claims pertaining to 202 of FIG. 2  
30 and 302 of FIG. 3 regarding particular steps needed to review "business policy."

31  
32 See specification descriptions, illustrations and independent claims pertaining to 204 of FIG. 2  
33 and 304 of FIG. 3 regarding particular steps needed to review "cancellation business policy."

34  
35 See specification descriptions, illustrations and independent claims pertaining to 205 of FIG. 2  
36 and 305 of FIG. 3 regarding particular steps needed to prioritize servers in a queue according to  
37 "cancellation policy severity," and so forth.

38  
39 It is noted that none of these conditions or steps are required for the dual-commerce  
40 operation of the present invention.

41 The Carter patent was filed June 6, 1997, well before a de facto set of standards, or  
42 accepted practices, were established which have since, determined how 'business policies' of an  
43 online business are typically acknowledged, understood and handled by a 'client computer user'  
44 during a transaction. For example, in recent years, it has become very common practice for users  
45 of the Internet to familiarize themselves with the transaction policies or "business policies" of the  
46 websites from which they wish to place one or more orders. Indeed, most eCommerce websites  
47 require a user to thoroughly review and agree to detailed 'business policy' criteria pertaining to

1 the placement or cancellation of orders at a website, and must do so *before* a first transaction by  
2 a user can even take place. When the business policies are agreed to in advance, then the user can  
3 place an order.

4 In addition to its methods for reviewing 'business policies,' the emphasis of the Carter  
5 patent method seems to be concerned with cancellation policies and minimizing cancellation  
6 severities (see Summary of the Invention, col. 4, lines 4-60). This same emphasis is seen in the  
7 cited office action reference "Fig. 3 (302) col. 3, lines 53-65" (page 7).

8 Additionally, the applicant submits that Carter does not specifically teach a "scheduling  
9 and reservation method" per se, but instead teaches an method of loosely arranging one or more  
10 customer-events as a "booking" or as "bookings." Examples are given of method steps which  
11 select a plurality of customer-events however, no further method is provided for the coordinated  
12 scheduling of one event chronologically, in consideration of the time-window availability of  
13 another, or of a plurality of other events. In fact, the most specific time window mentioned in the  
14 Carter patent is described in the context of a full day or plurality of days. Since there are twenty  
15 four hours in a day, the system (A) would not be prohibited from 'booking' one event in the  
16 morning and another in the evening, which would not be considered desirable to a customer as a  
17 coordinated outing, or (B) could book one event 'acceptable to the business policy review  
18 method' while booking another 'acceptable' event which incorrectly overlaps the first, or  
19 inefficiently books them too close together for a customer to realistically make both, or all  
20 deadlines, or books them too far apart to be convenient or efficient, and so forth.

21 In contrast, the scheduling and reservation means and method of the present invention,  
22 provide customers the choice of 'best-fit' and 'best available' itineraries requiring the least  
23 amount of the customer's time, based on availability of what is ordered at one, a plurality or  
24 many physical facilities, and can also do so based on one or more preferred time-windows  
25 specified by a customer. The scheduling means also provides for on-the-fly adjustments of  
26 customers' schedules (itineraries) during an outing or excursion, wherein the customer can  
27 request a break of a specified or pre-determined time, for example, to rest, or to leisurely stroll  
28 from one venue or facility to another at his or her own pace, and can subsequently pick up where  
29 they left off (resume their outing according to an adjusted itinerary). The system is equipped to  
30 adjust itineraries according to the then-current condition and customer flow rate of a given venue  
31 / facility or plurality of facilities and can make adjustments dynamically based on moment to  
32 moment schedule availabilities. Thus it is even possible to schedule minimum wait time  
33 excursions through amusement parks (multi-venue facilities), wherein a series of rides or  
34 attractions are provided that are scheduled in a way where each subsequent event is sequenced  
35 with a minimum wait, or no-wait, period after the former, and wherein customers can also  
36 request breaks for whatever reason, and the system adjusts automatically to the then-current  
37 venue and/or attraction condition and customer flow rate (availabilities) to re-schedule the  
38 customer's itinerary in a 'best-fit' or 'best-available' manner. It is noted that none of the office  
39 action cited inventions, independently, in combination, or collectively, teach, illustrate or claim  
40 these concepts or features.

41 It is also worth mentioning other key concepts of the reservation, guaranteeing and  
42 scheduling aspects of the present invention. Any and all goods, products, activities or services  
43 shown as available online by the system are only shown *if* they are available and are removed  
44 from an available status when not available. Thus, the system is able to guarantee that  
45 transactions concluded online will reserve what has been ordered by the customer until he or she  
46 receives what has been purchased at one or more facilities. The system simultaneously provides  
47 the online option to deliver ordered goods to homes, businesses, etc. The scheduling and

reservation means can also be equipped to notify business owners of a scheduled traffic flow of customers who have scheduled themselves to come to one or more facilities which in addition to increasing business at such facilities, also allows the business to staff personnel in proportion to the scheduled customer flow rates. Such facilities can also be equipped with one or more "Expedited Service Areas" which provide reduced-wait, or no-wait improved customer service and are optionally scalable to accommodate facility flow rates of up to a 100% capacity. These features are not taught, illustrated or claimed in the Carter patent.

Moreover, it is not necessary for the present invention to employ any one or more of the Carter 'business policy' or "cancellation business policy" reviewing, qualifying, prioritizing and automated decision-making steps or features, in order to provide the novel dual-commerce online transactions of the present invention. In fact, when the common Internet commerce practices which have emerged since 1997 (Carter filing year) are taken into consideration, it is questionable as to whether the business policy and cancellation assessment automation of the Carter invention would even be considered relevant in any contemporary form of online transaction.

In that the present invention does not require any of the various automated business policy and cancellation assessing and server prioritizing steps of the Carter patent, the applicant respectfully submits that the Carter invention is not relevant to, and does not anticipate, the present invention and that any and all claims cited in the office action in reference to the Carter patent should therefore be allowed.

**In Reference to 35 U.S.C. 103(a) Pertaining to the Fulton et al Patent US 6,182,052 in view of Chelliah et al Patent US 5,710,887**

With just a brief look at the Internet today, one can find numerous business models for facilitating a 'solo' type of online commerce or conventional types of 'eCommerce.' For example, the common online purchasing experience is one where: a customer goes online, and through the use of a browser software application finds one or more supplier of a desired product or service; browses through a selection of choices provided by a supplier(s); makes one or more selections with an input device; pays for the selection(s); and provides information necessary for the supplier to then send the ordered goods to the customer. The Fulton et al patent (6,182,052) and Chelliah et al patent (5,710,887) referenced in the office action (beginning on page 10) each provide one such example. For instance, Chelliah's self-described "Electronic Mall" or 'electronic commerce' is one of many types of eCommerce transaction modes available to Internet users for: initiating and completing 'eCommerce' or 'online' transactions, including doing so among a choice of a plurality of suppliers.

As can be seen in the illustrations of the Fulton et al patent, and in the descriptions pertaining to the drawings, Fulton has a highly specific: "Communications Network Interface for User Friendly Interactive Access to Online Services" (invention title). The two independent claims of the Fulton et al invention—and by extension all claims--stipulate many structural elements that are not required for the dual-commerce operation of the present invention, for example here are a few:

- 1.) "...said user operable terminal having a user friendly touch screen display of virtual buttons that are changeable..."
- 2.) "...registering the user's input to the terminal corresponding to the user's selection from the multiplicity of preprogrammed choices displayed on the touch screen;..."

- 3.) "...means for simultaneously displaying on the touch screen the multiplicity of preprogrammed choices and an option selectable by the user to communicate by voice or TDD through the service platform to a representative of the provider with regard to the account, transaction, service or information..."
- 4.) "...means for enabling the user to communicate with the representative of the provider by voice or TDD option;..."
- 5.) and so on.

It is important to note that the present invention does not have to rely on any particular form of eCommerce (such as the Fulton et al patent or Chelliah et al patent, or both) in order to provide coordinated (dual) commerce between one or more Internet eCommerce site and one or more real world merchandise or retail venues or stores, and / or one or more activities or services venues or facilities.

Each of the independent claims of Chelliah et al—and by extension—all claims, stipulates:

- 1.) "...passing a delivery initiation communications to initiate the delivery of the item to the customer..." (both independent claims 1 and 26)
- 2.) Dependent claims, to both independent claims, have the phrase "...cause the item desired by the customer delivered to the customer." (dependent claims 4 and 29)

Note that the Chelliah et al "delivery" is not possible with the multitude and varied types of services and activities that are only provided at physical facilities and venues, therefore the Chelliah et al online system is not capable of providing many of the features of the online ordering system of the present invention. Furthermore, none of the Chelliah et al specification and claims are concerned with the online scheduling or the sending of one or more customers to, or reserving and / or guaranteeing goods, or activities, or services, or any combination thereof at, one or more physical facility(s) and therefore Chelliah cannot be considered capable of achieving these and other features previously mentioned or still others described in the specification.

Thus, it cannot be concluded that it would be obvious to achieve the operation of the present invention by simply combining the functionality specified in Fulton et al with that of Chelliah et al's. Or that it would be obvious to merely eliminate a lot of the Fulton et al structural elements in order to achieve the functionality of the present invention.

Lastly, the "dual-commerce" system is not merely: eCommerce plus a capability to send 'scheduled customers' to one or more physical facilities or venues. It is also a system having the capability from a single website, to simultaneously display associated online and physically-located businesses, promote and foster the interrelatedness and association between complementary and correlated businesses, and to display a broad diversity in the types of businesses and entities from which online orders can be laced, wherein the website represents:

- i. "...at least one online networked-venue which is equipped to serve online customers"
- ii. "...at least one physical facility which is equipped to serve a flow of customers at a physical location..."

Neither the Chelliah et al invention, or Fulton et al invention, independently or when combined, account for such means and/or methods, or the means to display both types of

1 commerce options (dual-commerce) simultaneously while showing an associated relationship  
2 between an online eCommerce business and one or more physical facilities business from which  
3 online ordered goods, or activities, or services, or any combination thereof, are displayed online  
4 when available, and not displayed when unavailable, and which are guaranteed and available to  
5 the customer at a physical facility identified in an online-representation at the time the order was  
6 placed.

7 Thus, the applicant respectfully submits that the present invention, in view of the  
8 amendments to all of the previous claims and in view of the newly added claims, is unobvious  
9 and novel, and therefore, the amended independent claims and all claims dependent thereto  
10 should be allowed.

11  
12 **Additional Office Action Issues Page 11 through 25**

13  
14 Pages 11 through 18 of the office action are concerned with references to the Fulton et al  
15 and Chelliah et al patents and pages 19-24 the same two patents in view of Rosenberg et al  
16 (6,418,416), which, as detailed above, do not teach, illustrate or claim how to achieve the dual-  
17 commerce operations of the present invention. Therefore, the applicant submits that the office  
18 action references on pages 11-24 are not relevant the structure, operation and method of the  
19 specifically proposed dual-commerce system, and any claims of the present invention pertaining  
20 thereto should be allowed.

21  
22 The applicant respectfully requests in the event that any of the revised or newly  
23 independent claims are not in a form that is considered acceptable but can be so rendered by a  
24 modification in view of the scope of the application, that the examiner please provide the  
25 applicant with a modified acceptable version of such claim(s).

26  
27 Respectively submitted,

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